**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 20543 of 2005**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**SARDAR CO OP MARKETING AND PROCESSING SOCIETY LTD. - Petitioner(s)**
**Versus**
**STATE OF GUJARAT & 3 - Respondent(s)**

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**Appearance :**
MR PRAKASH K JANI for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for Respondent(s) : 1,2,3
MR BS PATEL for Respondent(s) : 4,

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 19/06/2006**

**ORAL JUDGMENT**

1. Rule. Learned AGP Shri Siraj Gori waives service of notice of rule on behalf of respondents no. 1

to 3. Learned advocate Shri B.S. Patel waives service of notice of rule on behalf of respondent no.4. At the joint request of learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. In short the question arising in the petition is with respect to the decision of respondent no.4 not to allot necessary additional shares to the petitioner-society. It is not in dispute that this would result into disqualification of the petitioner from being member of respondent no.4. By virtue of decision of respondent no.4-, petitioner-society needed to purchase additional shares. Though there is dispute about certain procedure which the petitioner was required to follow but had not followed, according to respondent no.4, in view of the broad consensus between the parties, this Court need not go into such question in this order. Learned advocate Shri Patel for respondent no.4 pointed out that the petitioner had not made such an application within the permissible time and also had to

fulfill certain other procedural requirements. Be that as it may, the petitioner is prepared to deposit necessary amount afresh and also to fulfill necessary requirements raised by respondent no.4 according to rules. Learned advocate Shri Patel submitted that if the Court so directs in peculiar facts of this case, respondent no.4 shall entertain such an application of the petitioner with necessary payment. He however, submitted that this would not indicate respondent no.4 giving up any of his contentions raised in response to this petition.

3. Considering the above background and considering the peculiar facts of this case, it is directed that if the petitioner makes an application to respondent no.4 for allotment of additional necessary shares with required payment for the same and also supplies requisite details about the petitioner-society within a period of two weeks from today, respondent no.4 shall consider such an application without raising any

objection about the same being delayed ignoring the order dated 14-09-2005. It is hoped that if the application of the petitioner is in order, same shall be examined by the respondent no.4 for granting of additional shares. The respondent no.4, I am sure will bear in mind that petitioner has been its member since 1988. In view of the above observation and directions, the petition is disposed of. Rule made absolute to the above limited extent with no order as to costs.

**(Akil Kureshi,J.)**

(raghu)